

FILED
U.S. ATTORNEY'S OFFICEUNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 NOV 10 P 5:37

UNITED STATES OF AMERICA,) CRIM. NO. 04-30046-MAP)
)
 vs.)
)
 ALBERT INNARELLI, ET AL.,)
)
 _____)
 Defendants.)

PARTIES' INITIAL JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this joint memorandum pursuant to Local Rule 116.5(A) and the Magistrate Judge's Scheduling Order.

1. The parties agree that relief should be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3. To date, defendants Albert Innarelli, Theodore Jarrett, and Joseph Sullivan have filed discovery letters. Given the volume of discovery materials that defense counsel needs to inspect, the parties agree to an extension for the filing of initial and/or additional discovery letter requests under Rule 116.3.

2. Defendants Innarelli, Jarrett and Sullivan have requested discovery under FRCP 16(a)(1)(G); no other defendants have requested such discovery. The Government hereby makes a

request for reciprocal discovery under FRCP 16(b)(1)(C), and defendants Innarelli, Jarrett and Sullivan agree to provide reciprocal discovery under FRCP 16(b)(1)(C) by this agreement.

3. At this time, the defendants have not completed their review of all of the automatic discovery. Therefore, the parties believe that it is premature to state whether or not they expect to provide any additional discovery in the future.

4. The parties agree that a motion date should not be set under FRCP 12(c) at this time. Until discovery has been reviewed, the parties are not in a position to set any motion dates. The parties anticipate filing motions.

5. Excludable delay should be ordered under 18 U.S.C. § 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3) from arraignment to the present. Arraignment for all of the defendants except for defendants Sullivan and Smith occurred on September 23, 2004. Pursuant to Local Rule 112.2(A)(2), twenty-eight days of excludable delay occurred from and including September 24, 2004 through October 21, 2004.

Arraignment for the last defendant, defendant Changasie, occurred on October 21, 2004. Pursuant to Local Rule 112.2(A)(2), twenty-eight days of excludable delay occurred from and including October 22, 2004 through November 20, 2004. Therefore, as of the date of the status conference, November 15, 2003, no time has run on the Speedy Trial Clock.

Accompanying this joint memorandum is a motion to designate this case a complex case. Given the amount of discovery involved in this case, the Government believes that this case qualifies as a complex case.

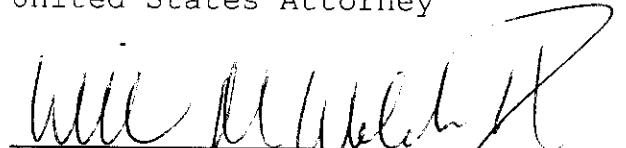
6. The parties believe at this point that a trial should be anticipated. At this time, the Government would estimate a trial of two months.

7. A second Interim Status Conference should be set for early February, 2005.

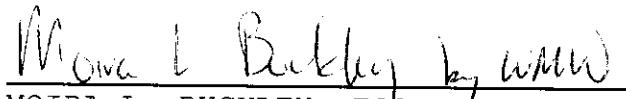
Filed this 11th day of November, 2004.

Respectfully submitted,

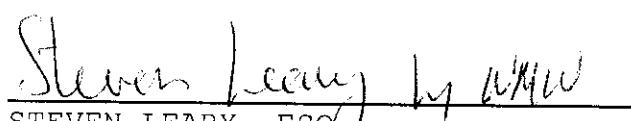
MICHAEL J. SULLIVAN
United States Attorney


WILLIAM M. WELCH II
Assistant United States Attorney

For defendant Albert Innarelli


MOIRA L. BUCKLEY, ESQ.
Counsel for defendant Innarelli

For defendant Michael Bergdoll


STEVEN LEARY, ESQ.
Counsel for defendant Bergdoll

For defendant Anthony Matos:

VINCENT BONGIORNI, ESQ.
Counsel for defendant Matos

For defendant Pasquale Romeo

MICHAEL JENNINGS, ESQ.
Counsel for defendant Romeo

For defendant Wilfred Changasie

TERRY NAGEL, ESQ.
Counsel for defendant Changasie

For defendant Theodore Jarrett

William Kettlewell, ESQ.
WILLIAM KETTLEWELL, ESQ.
Counsel for defendant Jarrett

For defendant Mark McCarthy

ROBERT SANTIELLO, ESQ.
Counsel for defendant McCarthy

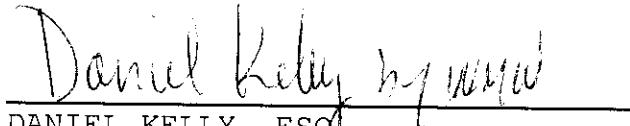
For defendant James Smith

Jack St. Clair, ESQ.
JACK ST. CLAIR, ESQ.
Counsel for defendant Smith

For defendant Jonathan Frederick

MARK ALBANO, ESQ.
Counsel for defendant Frederick

For defendant Joseph Sullivan


DANIEL KELLY, ESQ.
Counsel for defendant Sullivan

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
November 9, 2004

I, William M. Welch, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by faxing said motion to:

Moira L. Buckley, Esq.
Shipman & Goodwin
One Constitutional Plaza
Hartford, CT 06103-1919

Vincent A. Bongiorni, Esq.
95 State Street
Springfield, MA 01103

Terry S. Nagel, Esq.
95 State Street
Springfield, MA 01103

Robert Santaniello, Jr., Esq.
Santaniello, Posnik & Basile
83 State Street
Springfield, MA 01103

Mark J. Albano, Esq.
Dalsey, Ferrara & Albano
73 State Street
Springfield, MA 01103

Steven W. Leary, Esq.
95 State Street
Springfield, MA 01103

Michael O. Jennings, Esq.
73 Chestnut Street
Springfield, MA 01105

William H. Kettlewell, Esq.
Dwyer & Collora
600 Atlantic Avenue
Boston, MA 02210

Jack St. Clair, Esq.
73 Chestnut Street
Springfield, MA 01103

Daniel D. Kelly, Esq.
Robinson, Donovan, Madden &
Barry
1500 Main Street
P.O. Box 15609
Springfield, MA 01103